

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1155 of 2024

In
Civil Writ Jurisdiction Case No.20506 of 2018

=====

Annu Kumari, Wife of Munna Rao Resident of Village- Khairahani Done
Ward no. 3, Police Station- Gobrahiya District-West Champaran.

... .. Appellant

Versus

1. The State of Bihar through the Director, I.C.D.S. Directorate, Patna.
2. The District Magistrate-Cum-Collector, West Champaran, Bettiah.
3. The District Programme Officer, I.C.D.S., West Champaran, Bettiah.
4. The Child Development Project Officer C.D.P.O. Ramnagar, West Champaran, Bettiah.
5. The Mukhiya Naurangiya Done Panchayat, Ramnagar Block, West Champaran, Bettiah.
6. Smt. Chandmuni Devi Wife of Shambhu Sah Resident of Village-Khairahani Done, Police Station- Gobrahiya, District- West Champaran, Bettiah.

... .. Respondents

=====

Appearance :

For the Appellant : Mr. Lokesh Kumar Singh, Advocate
For the Respondents : Mr. Government Advocate (07)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RANJAN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 30-06-2026

Heard learned counsel for the parties.

2. The present *intra court* appeal is directed against the order dated 07.10.2024 passed by the learned Single Judge in C.W.J.C. No.20506 of 2018, whereby the writ petition preferred by the appellant came to be dismissed.



3. The present appeal arises out of a dispute regarding selection and appointment to the post of Anganbari Sevika for Centre No.198, Khairahani Done, under the Child Development Project, Ramnagar.

4. Applications were invited from eligible candidates in terms of the guidelines governing the Integrated Child Development Services (ICDS). Pursuant thereto, a merit list was prepared and published on 09.03.2015. In the said merit list, the appellant was placed at Serial No.2 with 67.2% marks, whereas respondent no.6 was placed at Serial No.3 with 65% marks. The candidate placed at Serial No.1 was subsequently found ineligible on the ground that she did not belong to the concerned Poshak Kshetra.

5. Thereafter, respondent no.6 was selected and appointed to the post of Anganbari Sevika. Aggrieved by such selection, the appellant preferred Appeal Case No.02 of 2015 before the District Programme Officer (ICDS), West Champaran, Bettiah. By order dated 31.05.2016/14.06.2016, the District Programme Officer allowed the appeal and set aside the appointment of respondent no.6, observing that the appellant stood above respondent no.6 in the published merit list and that the additional five marks allegedly granted to respondent no.6 did not



form part of the merit list. Consequent thereto, the Child Development Project Officer, Ramnagar, issued Memo No. 288 dated 30.08.2016 appointing the appellant as Anganbari Sevika for Centre No. 198, and she joined the post.

6. Respondent no.6 thereafter challenged the aforesaid order before the Collector, West Champaran, Bettiah, in Case No. R.M. 47 of 2016-17. By order dated 30.07.2018, the Collector set aside the order passed by the District Programme Officer and directed restoration of the post in favour of respondent no. 6. The Collector held that respondent no. 6 was entitled to additional weightage of five marks on account of disability and, upon inclusion of such marks, her total score exceeded that of the appellant.

7. It is the case of the appellant that the merit list published on 09.03.2015 was never revised by the competent authority and that respondent no.6 had not filed any objection to the merit list within the period prescribed under the ICDS guidelines. It is further the case of the appellant that the benefit of five additional marks on account of disability was granted by the Aam Sabha, which, according to the appellant, had no authority to alter or modify the published merit list. It is also the case of the appellant that she fulfilled all the eligibility conditions, including



the requirement of belonging to the concerned Poshak Kshetra, and was entitled to appointment on the basis of her position in the merit list.

8. Aggrieved by the order dated 30.07.2018 passed by the Collector, West Champaran, Bettiah, the appellant preferred CWJC No. 20506 of 2018 before this Court challenging the said order. The said writ petition came to be dismissed, the operative portion of the said order reads as follows:

“6. After hearing the parties, it transpires to this Court that the present petitioner has appeared in the proceeding before the District Magistrate-cum-Collector, West Champaran, Bettiah but could not appear on the date of final hearing which has been acknowledge by the District Magistrate, Bettiah in his order. Upon bare reading of the said order, it transpires that the District Magistrate, Bettiah has passed reasoned and speaking order in which it has been admitted that the C.D.P.O. has not taken action at the appropriate stage which was to be taken within the stipulated time, but subsequently, when matter went to the AamSabha, then Aam-Sabha has taken decision and rectified all the wrongs which was committed.

7. As such, this Court is of the firm view that such mistake which has been committed is basically irregularity and not illegality, and hence, this Court is not inclined to interfere



with order dated 30.07.2018 passed by the Collector, West Champaran, Bettiah in case No. R.M. 47/2016-17.

8. Accordingly, the present writ petition stands dismissed.”

9. Learned counsel for the appellant submits that the learned Single Judge erred in dismissing the writ petition by treating the defect in the selection process as a mere irregularity. It is submitted that under the applicable ICDS guidelines, any objection to the merit list is required to be filed before the Child Development Project Officer (CDPO) within the prescribed period and is to be decided by the competent authority. According to the appellant, the Aam Sabha had no jurisdiction to entertain or decide objections relating to the merit list or to grant additional marks to any candidate.

10. It is further submitted that respondent no.6 was granted five additional marks on account of disability through the proceedings of the Aam Sabha, although no revised merit list was issued by the competent authority. Learned counsel contends that the Aam Sabha thereby assumed powers vested in the statutory authorities and acted without jurisdiction. It is argued that any rectification in the merit list could only have been undertaken by



the competent authority in accordance with the prescribed procedure and not by the Aam Sabha.

11. Learned counsel further submits that the appointment of respondent no.6 on 28.04.2015 was made contrary to the ICDS guidelines and that the learned Single Judge failed to appreciate the legal infirmities in the selection process. It is, therefore, submitted that the impugned judgment and order are unsustainable in law and liable to be set aside.

12. Per contra, learned counsel appearing on behalf of the respondents submits that the learned Single Judge has rightly dismissed the writ petition after considering the facts and the applicable guidelines. It is submitted that the impugned judgment does not suffer from any error of law or jurisdiction warranting interference by this Court in the present appeal. It is further submitted that the selection and appointment of respondent no.6 were made in accordance with the applicable provisions and, therefore, no case for interference is made out.

13. The limited issue which arises for consideration before this Court is as to whether the learned Single Judge was justified in declining to interfere with the order of the Collector on the ground that the defect in the selection process was merely an irregularity, which stood rectified during the selection process, and



not an illegality warranting interference under Article 226 of the Constitution.

14. Having heard learned counsel for the parties and upon perusal of the materials available on record, this Court finds that the controversy essentially revolves around the grant of five additional weightage marks to respondent no.6 on account of disability and the stage at which such benefit came to be taken into consideration during the selection process.

15. The appellant contends that the Aam Sabha had no jurisdiction under the applicable ICDS Guidelines to entertain objections to the merit list or to alter the merit position of the candidates after publication of the merit list. According to the appellant, any correction in the merit list could have been made only by the competent authority, namely, the Child Development Project Officer, within the prescribed period, and the subsequent grant of five additional marks by the Aam Sabha rendered the entire selection illegal. The Collector, however, while exercising appellate jurisdiction, found that respondent no.6 was entitled to disability weightage under the applicable guidelines and that such benefit had inadvertently not been extended at the appropriate stage. It was in these circumstances that the Collector treated the omission as having been rectified during the selection process and



restored the appointment of respondent no. 6. The learned Single Judge concurred with the said view and declined interference.

16. At the outset, it is well settled that in matters relating to selection and appointment, the scope of judicial review is extremely limited. The writ Court does not sit as an appellate authority over the decision of the selecting authority and does not re-appreciate the comparative merits of the candidates. Interference is warranted only where the decision-making process is shown to be vitiated by arbitrariness, mala fides, violation of mandatory statutory provisions or patent perversity. In ***Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan***, reported in (1990) 1 SCC 305, the Hon'ble Supreme Court held that the Court cannot sit in appeal over the assessment made by the Selection Committee and its power of judicial review is confined to examining the legality of the decision-making process. The relevant part of the said order reads as follows:

“12. It will thus appear that apart from the fact that the High Court has rolled the cases of the two appointees in one, though their appointments are not assailable on the same grounds, the court has also found it necessary to sit in appeal over the decision of the Selection Committee and to embark upon deciding the relative merits of the candidates. It is needless to emphasise that it is not the function of the court to hear appeals over



the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction.”

17. Applying the aforesaid principles to the facts of the present case, we find that the appellant has not questioned the eligibility of respondent no. 6 to claim disability weightage under the applicable guidelines. The challenge is confined to the stage at which such weightage was accorded and to the authority through



whom such correction came to be recognised. Thus, the controversy is essentially procedural in nature.

18. The Collector, being the appellate authority under the governing scheme, examined the entire selection process and recorded a categorical finding that the competent authority had failed to extend the admissible benefit of disability weightage at the appropriate stage and that the omission stood rectified during the selection process. Such finding is essentially one of fact. The appellant has not been able to demonstrate that the said finding is perverse, unsupported by the record or contrary to any mandatory provision of the governing guidelines.

19. Merely because the procedural correction took place at a subsequent stage would not, by itself, render the entire selection process void, particularly when the candidate concerned was otherwise entitled to the benefit under the governing guidelines. No material has been placed before this Court to establish that respondent no.6 was ineligible to receive the disability weightage or that the correction resulted in any fraud, mala fide exercise of power or violation of any mandatory statutory prescription. In the absence of any such infirmity, the alleged procedural lapse cannot be elevated to an illegality so as to nullify the entire selection.



20. This Court has independently examined the reasoning assigned by the Collector as well as the judgment rendered by the learned Single Judge. Upon such independent consideration, we are in agreement with the conclusion reached by the learned Single Judge that the defect, if any, was in the nature of a procedural irregularity which did not vitiate the selection itself. We are unable to find any jurisdictional error, perversity or manifest illegality either in the order passed by the Collector or in the judgment under appeal.

21. It is also trite that an intra-court appeal is directed against the correctness of the judgment under appeal. Unless the findings recorded by the learned Single Judge are demonstrated to be contrary to law or unsupported by the record, interference would not be warranted. In the present case, for the reasons independently recorded hereinabove, we find ourselves in complete agreement with the view taken by the learned Single Judge.

22. In view of the aforesaid, the issue is answered against the appellant and in favour of the respondents. The judgment and order passed by the learned Single Judge do not call for any interference.



23. Accordingly, the present *intra court* appeal stands dismissed.

24. Pending application(s),if any, shall also stand disposed of.

(Sudhir Singh, J.)

(Ranjan Kumar Jha, J.)

Gaurav Kumar,
Atul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.07.2026
Transmission Date	N.A.

